

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 2.
GOVERNMENT ADMINISTRATION.

CHAPTER 18.
ADMINISTRATIVE REVIEW OF CIVIL
INFRACTIONS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 18. ADMINISTRATIVE REVIEW OF CIVIL
INFRACTIONS.

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CHAPTER 18. ADMINISTRATIVE REVIEW OF CIVIL INFRACTIONS.

SUBCHAPTER I. PURPOSES; DEFINITIONS; ADMINISTRATIVE LAW JUDGES AND ATTORNEY EXAMINERS; SANCTIONS; REGULATIONS.

§ 2-1801.01. PURPOSE.

It is the purpose of the Council of the District of Columbia in the adoption of this chapter to provide for the imposition of alternative civil sanctions for infractions of laws and regulations amended by title IV, and to provide for a uniform and expeditious system of administrative adjudication with respect to the infractions.

(Oct. 5, 1985, D.C. Law 6-42, § 101, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2701.

Legislative History of Laws

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6- 60 and transmitted to both Houses of Congress for its review.

References in Text

"Title IV," referred to in this section, is title IV of D.C. Law 6-42.

Delegation of Authority

Delegation of authority pursuant to Law 6-42, see Mayor's Order 86-38, March 4, 1986.

Delegation of authority pursuant to D.C. Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985", see Mayor's Order 99-68, April 28, 1999 (46 DCR 4234).

Delegation of Authority Pursuant to DC Law 6-100, the "Litter Control Administration Act of 1985;" DC Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985;" DC Law 5-165, the "DC Air Pollution Control Act of 1984;" DC Law 13-172, the "Rodent Control Act of 2000;" and DC Law 6-126, the "Construction Codes Approval and Amendments Act of 1986", see Mayor's Order 2002-5, February 1, 2002 (49 DCR 911).

Miscellaneous Notes

D.C. Board of Appeals and Review established: See Mayor's Order 86-50, March 31, 1986.

Establishment of District of Columbia Board of Appeals and Review: See Mayor's Order 86-50, March 31, 1986.

Establishment of District of Columbia Board of Appeals and Review: See Mayor's Order 96-27, March 5, 1996 (43 DCR 1367).

§ 2-1801.02. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "District" means the District of Columbia.

(1A) "Final order" means an order of an administrative law judge or attorney examiner that disposes of a case and that has not been appealed within 15 calendar days after the order has been served on the respondent.

(1B) "Health occupation" means any occupation or profession identified in § 3-1201.02, for which a license is required or for which there is an exemption from licensing.

(2) "Infraction" means any act or failure to act for which a civil sanction may be imposed under the provisions of this chapter, and with respect to which either the Corporation Counsel or the United States Attorney for the District of Columbia is authorized to commence a criminal proceeding in the Superior Court of the District of Columbia, or for which another civil sanction may be imposed under any District laws or regulations.

(2A) "Licensee" means any person:

(A) Licensed under Chapter 28 of Title 47; or

(B) Who engages in an activity that requires licensure under Chapter 28 of Title 47 who has not obtained the appropriate license or whose license has lapsed, has been suspended, or has been revoked.

(3) "Mayor" means the Mayor of the District of Columbia.

(4) "Person" means corporations, firms, agencies, companies, associations, organizations, partnerships, societies, and joint stock companies, as well as individuals.

(5) "Respondent" means any person charged with an infraction as defined in paragraph (2) of this section.

(Oct., 1985, D.C. Law 6-42, § 102, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(a), 38 DCR 314; Apr. 27, 2001, D.C. Law 13-281, § 105(a), 48 DCR 1888; Apr. 4, 2006, D.C. Law 16-81, § 2(a), 53 DCR 1050; Mar. 2, 2007, D.C. Law 16-191, § 124, 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2702.

Effect of Amendments

D.C. Law 13-281 added par. (1-A).

D.C. Law 16-81 added pars. (1B) and (2A).

D.C. Law 16-191, in par. (2A), validated previously made technical corrections.

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

Law 13-281, the "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-646, which was referred to the Committee on Consumer Affairs and Regulatory Affairs. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-646 and transmitted to Both Houses of Congress for its review. D.C. Law 13-281 became effective on April 27, 2001.

Law 16-81, the "Nuisance Abatement Reform Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-80 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 6, 2005, and January 4, 2006, respectively. Signed by the Mayor on January 26, 2006, it was assigned Act No. 16-267 and transmitted to both Houses of Congress for its review. D.C. Law 16-81 became effective on April 4, 2006.

For Law 16-191, see notes following § 2-1217.71.

§ 2-1801.03. ADMINISTRATIVE LAW JUDGES AND ATTORNEY EXAMINERS.

(a) Except as provided in Chapter 18A of this title, the Mayor shall appoint 1 or more attorneys to serve as administrative law judges or attorney examiners to implement the provisions of this chapter.

(b) Administrative law judges or attorney examiners shall have the following powers:

(1) Presiding over hearings in contested matters under this chapter;

(2) Compelling the attendance of witnesses by subpoena, administering oaths, taking the testimony of witnesses under oath, and dismissing, rehearing, and continuing cases;

(3) Imposing sanctions for infractions under subchapter II of this chapter, including monetary fines, penalties, and hearing and inspection costs;

(4) Suspending permits or licenses for the purpose of enforcing the payment of monetary fines, penalties, or hearing and inspection costs;

(5) Permitting the payment of monetary fines, penalties, and hearing and inspection costs in excess of \$50 in monthly installments over a period not greater than 6 months and allowing a fee of 1% per month of the outstanding amount owed by a respondent for the installment service;

(6) Suspending all or part of any fine or penalty imposed on grounds of past compliance or past good faith attempts to comply with applicable laws and regulations, or upon condition that the respondent correct the infraction by a date certain; and

(7) Sealing the premises where the conduct occurred which is the basis of the citation to enforce orders requiring the payment of monetary fines, penalties, or hearing and inspection costs.

(c) Each licensing or permitting authority or successor entity established by the laws and regulations amended by title IV may delegate to administrative law judges or attorney examiners, who are appointed pursuant to this section or pursuant to Chapter 18A of this title, the authority to conduct hearings pursuant to the laws and regulations and to recommend appropriate action, including denial, suspension, or revocation of any permit or license, to the licensing or permitting authority.

(d) Prior to assuming any duties or responsibilities pursuant to this chapter, administrative law judges or attorney examiners shall have completed an orientation or training course established by the Mayor or the Chief Administrative Law Judge of the Office of Administrative Hearings for the purpose of familiarizing themselves with relevant rules, procedures, and substantive law.

(e) Administrative law judges and attorney examiners appointed pursuant to this section, or pursuant to Chapter 18A of this title, may hear cases pursuant to Chapter 39 of Title 28.

(Oct. 5, 1985, D.C. Law 6-42, § 103, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(b), 38 DCR 314; Apr. 18, 1996, D.C. Law 11-110, § 14, 43 DCR 530; Apr. 13, 2005, D.C. Law 15-354, § 9(a), 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2703.

Effect of Amendments

D.C. Law 15-354, in subsec. (a), substituted "Except as provided in this chapter, the" for "The"; in subsec. (c), substituted "section or pursuant to this chapter," for "section,"; in subsec. (d), substituted "Mayor or the Chief Administrative Law Judge of the Office of Administrative Hearings" for "Mayor"; and, in subsec. (e), substituted "section or pursuant to this chapter," for "section".

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

Law 11-110, the "Technical Amendments of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

For Law 15-354, see notes following § 2-534.

References in Text

"Title IV," referred to in (c), is title IV of D.C. Law 6-42.

§ 2-1801.04. MONETARY SANCTIONS.

(a)(1) The Mayor shall prepare and periodically amend a schedule of fines. The schedule of fines shall be submitted to the Council of the District of Columbia ("Council") for its approval or disapproval, in whole or in part, by resolution. The schedule of fines and subsequent amendments shall not become effective until approved by the Council, or 30 days after submission if the Council has not disapproved the schedule or amendments.

(2) In addition to the civil fine, a respondent who fails to answer a notice of infraction within the time specified by § 2-1802.02(e) may be assessed a penalty equal to twice the amount of the civil fine for

the infraction set forth in the notice.

(b) In addition to any civil fines and penalties imposed following the adjudication of an infraction adverse to a respondent, an administrative law judge or attorney examiner may, in accordance with rules issued by the Mayor, impose upon the respondent, by order, the costs to the District of any additional inspections before, during, or after the hearing, and other costs associated with the hearing.

(Oct. 5, 1985, D.C. Law 6-42, § 104, 32 DCR 4450; May 10, 1989, D.C. Law 7-231, § 21, 36 DCR 492; Mar. 8, 1991, D.C. Law 8-237, § 2(c), 38 DCR 314; Sept. 24, 2010, D.C. Law 18-223, § 2072(a), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2704.

Effect of Amendments

D.C. Law 18-223, in par. (a)(1), substituted "30 days" for "60 days"; and rewrote par. (a)(2), which had read as follows:

"(2) In addition to the civil fine, the following penalties may be imposed:

"(A) A respondent who fails to answer a notice of infraction within the time specified by § 2-1802.02(e) may be assessed a penalty equal to the amount of the civil fine for the infraction set forth in the notice.

"(B) A respondent who fails to answer a second notice of infraction within the time specified by § 2-1802.02(f) may be assessed a penalty equal to twice the amount of the civil fine for the infraction set forth in the notice."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For Law 18-223, see notes following § 2-218.76.

Resolutions

Resolution 15-618, the "Civil Infractions Schedule of Fines Amendment for Towing Services for Motor Vehicles Regulations Approval Resolution of 2004", was approved effective July 13, 2004.

Resolution 16-153, the "Civil Infractions Schedule of Fines Amendment Approval Resolution of 2005", was approved effective May 1, 2005.

Resolution 16-652, the "Department of Health--Hazardous Waste Management Infractions Schedule of Fines Approval Resolution of 2006", was approved effective June 4, 2006.

Resolution 16-784, the "Department of Health--Vector-Borne Infectious Diseases Control Infractions Schedule of Fines Approval Resolution of 2006", was approved effective August 6, 2006.

Miscellaneous Notes

Short title: Section 2061 of D.C. Law 18-223 provided that subtitle G of title II of the act may be cited as the "Department of Consumer and Regulatory Affairs Civil Infractions Amendment Act of 2010".

§ 2-1801.05. REGULATIONS.

The Mayor may issue rules and regulations necessary to carry out the purposes of this chapter.

(Oct. 5, 1985, D.C. Law 6-42, § 105, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2705.

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

§ 2-1801.06. SUMMARY ACTION.

(a) If the Mayor determines, after investigation, that the conduct of a licensee presents an imminent danger to the health or safety of the residents of the District, the Mayor may order the sealing of the premises upon which the respondent is engaged in the unlawful conduct, provided that the premises are primarily used for the unlawful activity. Engaging in or attempting to engage in a health occupation without a license shall be a *per se* imminent danger to the health or safety of the residents of the District unless the person engaging in or attempting to engage in the health occupation is exempt from licensure pursuant to § 3-1201.03.

(b) At the time of the sealing of the premises, the Mayor shall provide the licensee with written notice stating the action being taken, the basis for the action, and the right of the licensee to request a hearing.

(c) A licensee shall have the right to request a hearing within 72 hours after service of notice of the sealing of the premises. The Mayor shall hold a hearing within 72 hours of receipt of a timely request, and shall issue a decision within 72 hours after the hearing.

(d) Every decision and order adverse to a licensee shall be accompanied by findings of fact and conclusions of law. The findings shall be supported by, and in accordance with, reliable, probative, and substantial evidence. The Mayor shall provide a copy of the decision and order and accompanying findings of fact and conclusions of law to each party to a case or to each party's attorney of record.

(e) Any person aggrieved by a final summary action may seek judicial review in accordance with subchapter I of Chapter 5 of this title.

(Oct. 5, 1985, D.C. Law 6-42, § 106, as added Mar. 8, 1991, D.C. Law 8-237, § 2(d), 38 DCR 314; Apr. 4, 2006, D.C. Law 16-81, § 2(b), 53 DCR 1050.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2706.

Effect of Amendments

D.C. Law 16-81, in subsec. (a), added the second sentence.

Legislative History of Laws

Law 8-237, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990," was introduced in Council and assigned Bill No. 8-203, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-320 and transmitted to both Houses of Congress for its review.

For Law 16-81, see notes following § 2-1801.02.

SUBCHAPTER II. PROCEDURES.

§ 2-1802.01. NOTICE OF INFRACTION.

(a) In order to initiate a proceeding under subchapter I of this chapter and this subchapter, the Mayor shall serve a notice of infraction upon a respondent. The Mayor shall retain a copy of the notice of infraction, which shall bear a certification attesting to the matters set forth in the notice.

(b) The Mayor shall prepare the notice of infraction, which shall contain:

- (1) The name and address of the respondent;
- (2) A citation of the law or regulation alleged to have been violated;
- (3) The nature, time, and place of the infraction;
- (4) Where appropriate, the date by which the respondent must comply to avoid incurring a fine or penalty;
- (5) The amount of the fine applicable to the infraction;
- (6) The manner, place, and time in which the fine and penalties, if any, may be paid;
- (7) Notice that failure to pay monetary sanctions may result in suspension of respondent's permit or license;
- (8) Notice that failure to answer the notice of infraction within 15 days after the date of service, or other period which the Mayor may establish by rule, shall result in a penalty equal to twice the amount of the

civil fine for the infraction set forth in the notice; and

(9) Notice of the respondent's right to request a hearing with respect to the infraction, and the procedure for requesting a hearing.

(c) If an administrative law judge or attorney examiner determines that a notice of infraction is defective on its face, the administrative law judge or attorney examiner shall enter an order dismissing the notice of infraction and shall promptly notify the respondent.

(Oct. 5, 1985, D.C. Law 6-42, § 201, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(e), (f), 38 DCR 314; Sept. 24, 2010, D.C. Law 18-223, § 2072(b), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2711.

Effect of Amendments

D.C. Law 18-223 rewrote par. (b)(8), which had read as follows:

(8) Notice that failure to answer the notice of infraction within 15 calendar days from the date of service, or other period which the Mayor may establish by rule or regulation, may result in penalties, and the amount of those penalties; and".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For Law 18-223, see notes following § 2-218.76.

§ 2-1802.02. ANSWER.

(a) In answer to a notice of infraction a respondent may:

(1) Admit the infraction;

(2) Admit the infraction with an explanation which the hearing examiner may take into account in the imposition of a sanction for the infraction; or

(3) Deny commission of the infraction.

(b) A respondent who responds to a notice of infraction but fails to indicate whether the respondent admits, admits with explanation, or denies the infraction shall be considered to have admitted the infraction if the respondent pays the appropriate fine and penalties, and shall otherwise be considered to have denied the infraction.

(c) A respondent may answer the notice of infraction by mail or in person.

(d) A respondent admitting an infraction shall, at the time the respondent submits an answer, pay the applicable civil fine established pursuant to § 2-1801.04(a)(1), and any applicable penalties pursuant to § 2-1801.04(a)(2).

(e) A respondent shall answer a notice of infraction within 15 calendar days of the date the notice of infraction was served, or within any other time period the Mayor may establish by rule or regulation.

(f) If a respondent has been served a notice of infraction and fails, without good cause, to answer within the time period established in subsection (e) of this section, the respondent shall be liable for the penalty established pursuant to § 2-1801.04(a)(2).

(g) No notice of infraction issued pursuant to subchapter I of this chapter and this subchapter shall abridge or abrogate any time periods established by the laws and regulations amended by title IV regarding cure of an infraction.

(Oct. 5, 1985, D.C. Law 6-42, § 202, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(h), 38 DCR 314; Sept. 24, 2010, D.C. Law 18-223, § 2072(c), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2712.

D.C. Law 18-223 rewrote subsec. (f), which had read as follows:

"(f) If a respondent has been served a notice of infraction and fails, without good cause, to answer within the time period established in subsection (e) of this section, the respondent shall be liable for the penalty established pursuant to § 2-1801.04(a)(2)(A). The Mayor shall then serve a second notice of infraction upon the respondent. If the respondent fails to answer the second notice of infraction within 15 calendar days of service, or within any other time period the Mayor may establish by rule or regulation, the respondent shall be liable for the penalty established pursuant to § 2-1801.04(a)(2)(B)."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2072(c) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For Law 18-223, see notes following § 2-218.76.

References in Text

"Title IV," referred to in (g), is title IV of D.C. Law 6-42.

§ 2-1802.03. HEARING.

(a) The administrative law judge or attorney examiner shall conduct a hearing on a notice of infraction in accordance with Chapter 5 of this title, except as otherwise provided by this chapter. The Mayor shall bear the burden of establishing an infraction by a preponderance of the evidence.

(b) If a respondent fails, without good cause, to appear at a hearing of which the respondent has been served a notice, the administrative law judge or attorney examiner may proceed with the hearing and enter a final order in the case.

(c) After due consideration of the evidence and arguments, the administrative law judge or attorney examiner shall determine whether the Mayor has established the infraction. Where the Mayor has not established the infraction, the administrative law judge or attorney examiner shall enter an order dismissing the notice of infraction. Where the Mayor has established the infraction, the administrative law judge or attorney examiner shall enter an appropriate written order, which shall set forth findings of fact, conclusions of law, and a sanction.

(d) An order entered pursuant to this section is civil in nature.

(e) Upon a finding that the respondent has committed the infraction, the administrative law judge or attorney examiner may order the respondent to pay a civil fine and, where appropriate, penalties pursuant to § 2-1801.04(a)(2) and costs pursuant to § 2-1801.04(b).

(f) The administrative law judge or attorney examiner may suspend any permit or license which authorizes the respondent to engage in the activity to which the infraction relates if the respondent fails to pay any fines, penalties, and costs, with interest thereon, in accordance with the administrative law judge's or attorney examiner's order. Suspension of the permit or license shall continue until the respondent complies with the administrative law judge's or attorney examiner's order.

(g) Upon request of the respondent, the administrative law judge or attorney examiner may stay the imposition of any sanction imposed pending administrative review.

(h) The Mayor may cause to be entered any final order requiring a respondent to pay fines, penalties, or costs as a judgement against the respondent in the Civil Actions Branch of the Civil Division of the Superior Court of the District of Columbia. The Mayor may enforce the judgment in the same manner as any other civil judgment may be enforced under District law.

(i)(1) The amount to be paid under a final order shall be a continuing and perpetual lien in favor of the District upon all property, whether real or personal, belonging to the respondent and shall have the same force and effect as a lien created by judgment. Interest shall accrue thereon at the rate of one and 1/2% per month, or part thereof, from the date of the order or default final order.

(2) The lien shall attach to all property belonging to the respondent at any time during the period of the lien, including any property acquired by the respondent after the lien arises.

(3) The lien shall have priority over all other liens, except liens for District taxes and District water charges. The lien shall be satisfied by payment of the amount of the lien to the agency that issued the final order; provided, that the lien shall not be valid as against a bona fide purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice by filing in the Recorder of

Deeds.

(4) For reasonable cause shown, the Mayor may abate the amount of the final order.

(5) The Mayor may contract with any person to collect the amount of the lien and remunerate the person by fee, by a percentage of the amount collected, or both.

(6) Notwithstanding the foregoing, if the lien has been converted to a real property tax lien under § 47-1340, the real property tax lien shall be enforced under Chapter 13A of Title 47.

(j) The Mayor may enforce payment of the fines, penalties, costs, and interest imposed against the real property of the respondent as follows:

(1) The agency that issued the notice of infraction shall record a real property tax lien, captioned "Notice of Converted Real Property Tax Lien", with the Recorder of Deeds stating the name of the respondent, describing the real property against which the real property tax lien attaches by square and lot number, and specifying the amount of the real property tax lien. The real property tax lien shall be deemed a delinquent real property tax from the date of the conversion, shall accrue interest at the rate of interest charged for delinquent real property tax, and shall be perpetual. Subject to § 47-1340(f), payment thereof shall be credited to the General Fund of the District of Columbia. The real property may be sold at the next tax sale, regardless of the date of the conversion, in the same manner, under the same conditions, and subject to the same impositions of interest, costs, expenses, fees, and other charges, as real property sold for delinquent real property tax.

(2) The aggregate amount of the fines, penalties, costs, and interest secured by the lien imposed under subsection (i) of this section may appear on a real property tax bill, and such aggregate amount shall (A) be deemed an additional real property tax to be collected in the same manner and under the same conditions as real property tax is collected, including the sale of the real property for delinquent tax; (B) be credited to the General Fund of the District of Columbia; and (C) be subject to the same penalty and interest provisions as delinquent real property tax is subject as of the date of such real property tax bill. The lien under subsection (i) of this section, with penalty and interest as provided under this section, shall be converted to real property tax as of the due date for payment of the real property tax bill if payment is not made.

(Oct. 5, 1985, D.C. Law 6-42, § 203, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(i), 38 DCR 314; Apr. 27, 2001, D.C. Law 13-281, § 105(b), 48 DCR 1888; Apr. 13, 2005, D.C. Law 15-354, § 9(b), 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2713.

Effect of Amendments

D.C. Law 13-281, in subsec. (f), substituted "any fines, penalties, and costs, with interest thereon," for "any fines, penalties, or costs"; amended subsec. (i); and added subsec. (j). Prior to amendment, subsec. (i) read:

"(i) The Mayor may place liens on property for nonpayment of fines, penalties, and costs as follows:

"(1) Whenever the owner of real property in the District of Columbia fails to pay all fines, penalties, or costs associated with a final adjudication under this chapter, the District shall have a continuing lien upon the property and upon any improvements on the property in the amount of the outstanding charges;

"(2) These liens shall have priority over all other liens except liens for District taxes and District water charges; and

"(3) If outstanding charges remain unpaid 90 days after the date to appeal a final adjudication, and no appeal has been taken, the property may be sold for costs at the next tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if the outstanding charges, together with penalties and costs, have not been paid in full prior to the sale."

D.C. Law 15-354, in par. (1) of subsec. (j), substituted "notice of infraction" for "final order".

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For D.C. Law 13-281, see notes following § 2-1801.02.

For Law 15-354, see notes following § 2-534.

§ 2-1802.04. FINAL DECISION.

(a) Except as provided in Chapter 18A of this title, the order of the administrative law judge or attorney examiner shall become final 15 calendar days after service of the order upon the respondent, unless within

that time the party files an administrative appeal pursuant to subchapter III of this chapter.

(b) The Mayor may prepare a list of delinquent respondents who have not paid or appealed, within 15 days of service, fines, penalties, costs, and interests resulting from final orders, and may periodically publish the list in one or more general circulation newspapers published in the District of Columbia.

(Oct. 5, 1985, D.C. Law 6-42, § 204, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(j), 38 DCR 314; Apr. 27, 2001, D.C. Law 13-281, § 105(c), 48 DCR 1888; Apr. 13, 2005, D.C. Law 15-354, § 9(c), 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2714.

Effect of Amendments

D.C. Law 13-281 rewrote subsec. (b) which had read:

"(b) The Mayor may prepare a listing of delinquent respondents who have not paid or appealed within 15 days of service, fines, penalties, or costs resulting from final decisions issued by attorney examiners and may periodically publish such a list in one or more general circulation newspapers published in the District of Columbia."

D.C. Law 15-354, in subsec. (a), substituted "Except as provided in § 2-1831.03(f)), the" for "The".

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For D.C. Law 13-281, see notes following § 2-1801.02.

For Law 15-354, see notes following § 2-534.

§ 2-1802.05. SERVICE.

Any notice or order served upon a respondent or other person pursuant to this chapter may be personally served, electronically served, delivered to the respondent's or other person's last known home or business address and left with a person of suitable age and discretion residing or employed therein, or mailed to the respondent or other person by first class mail to the respondent's last known home or business address. When service is by mail, 5 additional days shall be added to the time period within which the respondent or other person may, or is required to, take any action specified in the notice or order.

(Oct. 5, 1985, D.C. Law 6-42, § 205, 32 DCR 4450; Sept. 24, 2010, D.C. Law 18-223, § 2052, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2715.

Effect of Amendments

D.C. Law 18-223 substituted "personally served, electronically served," for "personally served,".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2052 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 6-2701.

For Law 18-223, see notes following § 2-218.76.

Miscellaneous Notes

Short title: Section 2051 of D.C. Law 18-223 provided that subtitle E of title II of the act may be cited as the "Electronic Service of Notice Amendment Act of 2010".

SUBCHAPTER III. ADMINISTRATIVE REVIEW.

§ 2-1803.01. JURISDICTION TO HEAR APPEAL.

Except as provided in § 2-1831.16, the District of Columbia Board of Appeals and Review shall entertain and determine appeals timely filed by persons aggrieved by orders issued by hearing examiners pursuant to this chapter or by the Mayor, except that appeals involving infractions of subchapter I of Chapter 6 of Title 6, or the District of Columbia Zoning Regulations shall be entertained and determined by the District of Columbia Board of Zoning Adjustment; appeals involving infractions of Chapter 1 of Title 25, or of any regulation issued under the authority of that chapter shall be entertained and determined by the District of Columbia Alcoholic Beverage Control Board; appeals involving infractions of laws governing occupations and professions or of regulations issued under the authority of those laws shall be entertained and determined by the appropriate occupational or professional board or commission; and appeals involving infractions of Chapter 35 of Title 42, or of any regulation issued under the authority of that chapter shall be entertained and determined by the District of Columbia Rental Housing Commission.

(Oct. 5, 1985, D.C. Law 6-42, § 301, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(k), 38 DCR 314; Mar. 6, 2002, D.C. Law 14-76, § 23(b)(1), 48 DCR 11442.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2721.

Effect of Amendments

D.C. Law 14-76 substituted "Except as provided in § 2-1831.16, the" for "The" in the first sentence.

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

Law 14-76, the "Office of Administrative Hearings Establishment Act of 2001", was introduced in Council and assigned Bill No. 14-208, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 2, 2001, and November 6, 2001, respectively. Signed by the Mayor on November 29, 2001, it was assigned Act No. 14-196 and transmitted to both Houses of Congress for its review. D.C. Law 14-76 became effective on March 6, 2002.

References in Text

Title 25, referred to in this section, was amended and enacted by D.C. Law 13-298, effective May 3, 2001. Chapter 1 of former Title 25 embraced all sections in that title. For current provisions of Title 25, see § 25-101 et seq.

§ 2-1803.02. RIGHT TO ADMINISTRATIVE APPEAL AND COSTS OF APPEAL.

Except as provided in § 2-1831.16, any person aggrieved by an order of an administrative law judge or attorney examiner issued pursuant to subchapters I and II of this chapter, or the Mayor, may appeal to the reviewing agency specified in § 2-1803.01. The costs of any appeal, including, but not limited to, the expense of providing a transcript of the hearing, shall be borne by the appellant unless excused by the Mayor pursuant to rules issued by the Mayor.

(Oct. 5, 1985, D.C. Law 6-42, § 302, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(l), 38 DCR 314; Mar. 6, 2002, D.C. Law 14-76, § 23(b)(2), 48 DCR 11442.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2722.

Effect of Amendments

D.C. Law 14-76 substituted "Except as provided in § 2-1831.16, any" for "Any" in the first sentence.

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.

For Law 14-76, see notes following § 2-1803.01.

§ 2-1803.03. SCOPE OF REVIEW.

The reviewing agency shall make a determination of each appeal on the basis of the record established

before the administrative law judge or attorney examiner. The reviewing agency shall set aside any administrative law judge or attorney examiner order that is without observance of procedure required by law or regulations, including any applicable procedure required by subchapters I and II of this chapter, or any administrative law judge or attorney examiner order that is unsupported by a preponderance of the evidence on the record. The reviewing agency shall apply the rule of harmless error, and shall have power to affirm, reverse, or modify the order of the administrative law judge or attorney examiner. The reviewing agency may remand a case for further proceedings before the administrative law judge or attorney examiner. A reviewing agency may not modify a monetary sanction imposed by an administrative law judge or attorney examiner if that sanction is within the limits established by law or regulation.

(Oct. 5, 1985, D.C. Law 6-42, § 303, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(m), 38 DCR 314.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-2723.

Legislative History of Laws

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 2-1801.01.

For legislative history of D.C. Law 8-237, see Historical and Statutory Notes following § 2-1801.06.